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10/772,887	02/04/2004	Thor Ilt Chiam	FLEX-00300	5368
28960 7590 07/09/2008 HAVERSTOCK & OWENS LLP 162 N WOLFE ROAD SUNNYVALE, CA 94086				
EXAMINER DESR, PIERRE LOUIS				
ART UNIT 2617		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JOWENS@HOLLP.COM

# Office Action Summary

**Application No.**

10/772,887

**Applicant(s)**

CHIAM ET AL.

**Examiner**

PIERRE-LOUIS DESIR

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Although not required, Examiner will summarize the newly found prior art as related to the amended claims.

Landers, US 7188320, discloses a mobile station that includes a menu display routine which can be executed by a processor to display a set of menus. The set of menus will range from a first menu to a last menu, and at least one menu of the set defines, in turn, a set of menu items. Each set of menu items can similarly range from a first menu item to a last menu item (see col. 2, lines 3-10).

Thus, Landers discloses a set of menu and sub-menu.

Now, in regard to how to access the menu and sub-menu items, the following has been disclosed.

The mobile station may also include a "point of focus" routine stored in the data storage. The point of focus routine is executable by the processor to provide a single point of focus in or on one of the menus. The mobile station may also include a navigation routine stored in the data storage, which is executable by the processor. The processor executes the navigation routine in response to user invocation. When the point of focus is on a particular menu other than the last menu, user invocation of the navigation routine causes the processor to move the point of focus to a menu other than that particular menu. When the point of focus is on the last menu, user

invocation of the navigation routine causes the processor to move the point of focus to a menu item in the last menu. Col. 2, lines 12-24.

Thus, using a navigation routine, the last menu is selected when the point of focus is on it, which causes the processor to move the point of focus to a menu item in the last menu.

Landers also discloses that the navigation key may be used to allow a user to cycle through different objects, menus, or both, that are displayed on the device. When a GUI object or menu is in focus, the GUI's soft key labels can change accordingly. Pressing a key associated with the contextual soft key label will execute the indicated action on the object that is in focus. Col. 2, lines 53-63.

As can be seen above, after using the navigation key, which allows a user to cycle through different objects, menus, or both that are displayed on the device, a soft key is pressed to execute the indicated action on the object that is in focus.

Therefore, although Landers discloses using a two-dimensional key configured as a single button, a soft key is pressed to execute the indicated action.

However, Landers also discloses that the number of keystrokes required to perform a function when using a GUI can be reduced by changing the functionality of the navigation key depending on where the point of focus is.

A navigation routine stored in memory can be invoked to change the functionality. For example, pressing a down arrow (or another arrow) when the point of focus is on the last menu in a set of menus can move the point of focus to an item in that last menu. In contrast, pressing

the same key or arrow when the point of focus is on a menu other than the last menu will simply move the point of focus to another menu (i.e., to another menu at the same hierarchical level). (Explicitly selecting a menu without a navigation routine as described is typically done by pressing a soft key with an appropriate label. For example, a user could scroll to a widget labeled "Buddy List" and then press a soft key labeled "ok"). In contrast to existing user interfaces, the exemplary system allows users to simply continue to scroll down once the Buddy List menu (if it is the last menu) is reached to move the point of focus to successive "buddies" in the Buddy List menu. Col. 2, line 64-col. 3, line 19.

Therefore, Landers discloses that both a menu and sub-menu items can be selected and indicated action may be performed on the selected item using the navigation key. This disclosure clearly reads on the amended portion of the claim.

In fig. 4, Landers illustrates a mobile station that may be used in accordance with these navigation principles. As shown, display 42 of mobile station 40 may include a main menu 44, a status indicator 46, and a buddy list menu 48. The mobile station 40 may also include soft keys 50 and 52, together with associated soft key label areas 50a and 52a on display 42 directly above the soft keys. Pressing a soft key executes a function indicated by the currently displayed soft key label. The mobile station 40 may also include a four-way navigation key 54. The display of mobile station 40 of FIG. 4 depicts the graphical user interface of a digital messaging application program that can be used in accordance with the present system.

If the "Compose to . . ." item in the Buddy List menu 48 is initially in focus as shown, the text of the item will appear light on a dark background to indicate the point of focus, whereas

all other selectable text of the display 42 may be dark on a light or intermediate background. Generally, when a drop-down list of menu items is active (that is, when the user has navigated to the top-level menu associated with the list), the background of the drop-down list may appear light to distinguish over the rest of the display background which may be at an intermediate contrast, as shown. The functions of the navigation routines described above apply to mobile station 40 where the Buddy List menu 48 is the last menu, status indicator 46 is an intermediate object at the same hierarchical level as menu 48, and main menu 44 is the first menu. Main menu 44 has an associated list of items that are not shown in the figure, but that can be shown when the menu is selected by executing a navigation routine or pressing a soft key when the point of focus is on the main menu. Col. 5, line 56-col. 6, line 22.

Thus, Landers discloses a mobile device comprising two soft keys and two-dimensional navigation key configured as a single button including four sets of contact points, wherein the four sets of contact points are used to select and perform an action corresponding to one of a plurality of main menu items and to select and perform an action corresponding to a sub-menu item of the sub-menu associated with a selected main menu item.

Although Landers discloses that soft key may be pressed to execute the indicated action on the object that is in focus, in order to reduce the number of keystrokes, the navigation key may be utilized to select both a menu and sub-menu items, wherein indicated action may be performed on the selected item using the navigation key.

The above disclosure represents a summary of Landers, and it will be repeated below as appropriate.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamadera (previously cited) in view of Landers, US 7188320.

Regarding claim 1, Yamadera discloses a menu-driven electronic device (Figure 1) comprising:

- a. a display configured to selectively display one of a plurality of menus (Figure 1, element 10), including a main menu and a sub-menu (Figures 7A to 7D) and
- b. a two-dimensional navigation key including four sets of contact points (Figure 1, element 4), wherein the two dimensional navigation key is configured to select one of a plurality of main menu items of the main menu (paragraphs 42 and 59 to 63 and 76 to 82) and to select and perform an action corresponding to a sub-menu item of the sub-menu associated with a selected main menu item (Id.).

Although Yamadera discloses a device as described, Yamadera does not specifically disclose a device wherein the two dimensional key is configured as a single button and wherein

the four sets of contact points are used to select and perform an action corresponding to one of a plurality of main menu items.

However, Landers discloses a mobile station that includes a menu display routine which can be executed by a processor to display a set of menus. The set of menus will range from a first menu to a last menu, and at least one menu of the set defines, in turn, a set of menu items. Each set of menu items can similarly range from a first menu item to a last menu item (see col. 2, lines 3-10).

Thus, Landers discloses a set of menu and sub-menu.

Now, in regard to how to access the menu and sub-menu items, the following has been discloses.

The mobile station may also include a "point of focus" routine stored in the data storage. The point of focus routine is executable by the processor to provide a single point of focus in or on one of the menus. The mobile station may also include a navigation routine stored in the data storage, which is executable by the processor. The processor executes the navigation routine in response to user invocation. When the point of focus is on a particular menu other than the last menu, user invocation of the navigation routine causes the processor to move the point of focus to a menu other than that particular menu. When the point of focus is on the last menu, user invocation of the navigation routine causes the processor to move the point of focus to a menu item in the last menu. Col. 2, lines 12-24.

Thus, using a navigation routine, the last menu is selected when the point of focus is on it, which causes the processor to move the point of focus to a menu item in the last menu.



Landers also discloses that the navigation key may be used to allow a user to cycle through different objects, menus, or both, that are displayed on the device. When a GUI object or menu is in focus, the GUI's soft key labels can change accordingly. Pressing a key associated with the contextual soft key label will execute the indicated action on the object that is in focus. Col. 2, lines 53-63.

As can be seen above, after using the navigation key, which allows a user to cycle through different objects, menus, or both that are displayed on the device, a soft key is pressed to execute the indicated action on the object that is in focus.

Therefore, although Landers discloses using a two-dimensional key configured as a single button, a soft key is pressed to execute the indicated action.

However, Landers also discloses that the number of keystrokes required to perform a function when using a GUI can be reduced by changing the functionality of the navigation key depending on where the point of focus is.

A navigation routine stored in memory can be invoked to change the functionality. For example, pressing a down arrow (or another arrow) when the point of focus is on the last menu in a set of menus can move the point of focus to an item in that last menu. In contrast, pressing the same key or arrow when the point of focus is on a menu other than the last menu will simply move the point of focus to another menu (i.e., to another menu at the same hierarchical level). (Explicitly selecting a menu without a navigation routine as described is typically done by pressing a soft key with an appropriate label. For example, a user could scroll to a widget labeled "Buddy List" and then press a soft key labeled "ok"). In contrast to existing user interfaces, the exemplary system allows users to simply continue to scroll down once the Buddy

List menu (if it is the last menu) is reached to move the point of focus to successive "buddies" in the Buddy List menu. Col. 2, line 64-col. 3, line 19.

Therefore, Landers discloses that both a menu and sub-menu items can be selected and indicated action may be performed on the selected item using the navigation key. This disclosure clearly reads on the amended portion of the claim.

In fig. 4, Landers illustrates a mobile station that may be used in accordance with these navigation principles. As shown, display 42 of mobile station 40 may include a main menu 44, a status indicator 46, and a buddy list menu 48. The mobile station 40 may also include soft keys 50 and 52, together with associated soft key label areas 50a and 52a on display 42 directly above the soft keys. Pressing a soft key executes a function indicated by the currently displayed soft key label. The mobile station 40 may also include a four-way navigation key 54. The display of mobile station 40 of FIG. 4 depicts the graphical user interface of a digital messaging application program that can be used in accordance with the present system.

If the "Compose to . . ." item in the Buddy List menu 48 is initially in focus as shown, the text of the item will appear light on a dark background to indicate the point of focus, whereas all other selectable text of the display 42 may be dark on a light or intermediate background. Generally, when a drop-down list of menu items is active (that is, when the user has navigated to the top-level menu associated with the list), the background of the drop-down list may appear light to distinguish over the rest of the display background which may be at an intermediate contrast, as shown. The functions of the navigation routines described above apply to mobile station 40 where the Buddy List menu 48 is the last menu, status indicator 46 is an intermediate

object at the same hierarchical level as menu 48, and main menu 44 is the first menu. Main menu 44 has an associated list of items that are not shown in the figure, but that can be shown when the menu is selected by executing a navigation routine or pressing a soft key when the point of focus is on the main menu. Col. 5, line 56-col. 6, line 22.

Thus, Landers discloses a mobile device comprising two soft keys and two-dimensional navigation key configured as a single button including four sets of contact points, wherein the four sets of contact points are used to select and perform an action corresponding to one of a plurality of main menu items and to select and perform an action corresponding to a sub-menu item of the sub-menu associated with a selected main menu item.

Although Landers discloses that soft key may be pressed to execute the indicated action on the object that is in focus, in order to reduce the number of keystrokes, the navigation key may be utilized to select both a menu and sub-menu items, wherein indicated action may be performed on the selected item using the navigation key

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Landers with the teachings of Yamadera to arrive at the claimed invention. A motivation for doing so would have been to provide a navigation routine capable of reducing keystrokes and make the interface easier to use and more intuitive.

Regarding claim 18, Yamadera a menu-driven wireless telecommunications device (Figure 1) comprising:

a. a display configured to selectively display one of a plurality of menus (Figure 1, element 10), including a main menu and a sub-menu (Figures 7A to 7D), and

b. a two-dimensional navigation key including four sets of contact points (Figure 1, element 4), wherein the two dimensional navigation key is configured to select one of a plurality of main menu items of the main menu (paragraphs 42 and 59 to 63 and 76 to 82) and to select and perform an action corresponding to a sub-menu item of the sub-menu associated with a selected main menu item (Id.), wherein the device displays a plurality of sub-menu items (Id.).

Although Yamadera discloses a device as described, Yamadera does not specifically disclose a device wherein the two dimensional key is configured as a single button and wherein the four sets of contact points are used to select and perform an action corresponding to one of a plurality of main menu items.

However, Landers discloses a mobile station that includes a menu display routine which can be executed by a processor to display a set of menus. The set of menus will range from a first menu to a last menu, and at least one menu of the set defines, in turn, a set of menu items. Each set of menu items can similarly range from a first menu item to a last menu item (see col. 2, lines 3-10).

Thus, Landers discloses a set of menu and sub-menu.

Now, in regard to how to access the menu and sub-menu items, the following has been discloses.

The mobile station may also include a "point of focus" routine stored in the data storage. The point of focus routine is executable by the processor to provide a single point of focus in or on one of the menus. The mobile station may also include a navigation routine stored in the data storage, which is executable by the processor. The processor executes the navigation routine in response to user invocation. When the point of focus is on a particular menu other than the last

menu, user invocation of the navigation routine causes the processor to move the point of focus to a menu other than that particular menu. When the point of focus is on the last menu, user invocation of the navigation routine causes the processor to move the point of focus to a menu item in the last menu. Col. 2, lines 12-24.

Thus, using a navigation routine, the last menu is selected when the point of focus is on it, which causes the processor to move the point of focus to a menu item in the last menu.

Landers also discloses that the navigation key may be used to allow a user to cycle through different objects, menus, or both, that are displayed on the device. When a GUI object or menu is in focus, the GUI's soft key labels can change accordingly. Pressing a key associated with the contextual soft key label will execute the indicated action on the object that is in focus. Col. 2, lines 53-63.

As can be seen above, after using the navigation key, which allows a user to cycle through different objects, menus, or both that are displayed on the device, a soft key is pressed to execute the indicated action on the object that is in focus.

Therefore, although Landers discloses using a two-dimensional key configured as a single button, a soft key is pressed to execute the indicated action.

However, Landers also discloses that the number of keystrokes required to perform a function when using a GUI can be reduced by changing the functionality of the navigation key depending on where the point of focus is.

A navigation routine stored in memory can be invoked to change the functionality. For example, pressing a down arrow (or another arrow) when the point of focus is on the last menu in a set of menus can move the point of focus to an item in that last menu. In contrast, pressing

the same key or arrow when the point of focus is on a menu other than the last menu will simply move the point of focus to another menu (i.e., to another menu at the same hierarchical level). (Explicitly selecting a menu without a navigation routine as described is typically done by pressing a soft key with an appropriate label. For example, a user could scroll to a widget labeled "Buddy List" and then press a soft key labeled "ok"). In contrast to existing user interfaces, the exemplary system allows users to simply continue to scroll down once the Buddy List menu (if it is the last menu) is reached to move the point of focus to successive "buddies" in the Buddy List menu. Col. 2, line 64-col. 3, line 19.

Therefore, Landers discloses that both a menu and sub-menu items can be selected and indicated action may be performed on the selected item using the navigation key. This disclosure clearly reads on the amended portion of the claim.

In fig. 4, Landers illustrates a mobile station that may be used in accordance with these navigation principles. As shown, display 42 of mobile station 40 may include a main menu 44, a status indicator 46, and a buddy list menu 48. The mobile station 40 may also include soft keys 50 and 52, together with associated soft key label areas 50a and 52a on display 42 directly above the soft keys. Pressing a soft key executes a function indicated by the currently displayed soft key label. The mobile station 40 may also include a four-way navigation key 54. The display of mobile station 40 of FIG. 4 depicts the graphical user interface of a digital messaging application program that can be used in accordance with the present system.

If the "Compose to . . ." item in the Buddy List menu 48 is initially in focus as shown, the text of the item will appear light on a dark background to indicate the point of focus, whereas

all other selectable text of the display 42 may be dark on a light or intermediate background. Generally, when a drop-down list of menu items is active (that is, when the user has navigated to the top-level menu associated with the list), the background of the drop-down list may appear light to distinguish over the rest of the display background which may be at an intermediate contrast, as shown. The functions of the navigation routines described above apply to mobile station 40 where the Buddy List menu 48 is the last menu, status indicator 46 is an intermediate object at the same hierarchical level as menu 48, and main menu 44 is the first menu. Main menu 44 has an associated list of items that are not shown in the figure, but that can be shown when the menu is selected by executing a navigation routine or pressing a soft key when the point of focus is on the main menu. Col. 5, line 56-col. 6, line 22.

Thus, Landers discloses a mobile device comprising two soft keys and two-dimensional navigation key configured as a single button including four sets of contact points, wherein the four sets of contact points are used to select and perform an action corresponding to one of a plurality of main menu items and to select and perform an action corresponding to a sub-menu item of the sub-menu associated with a selected main menu item.

Although Landers discloses that soft key may be pressed to execute the indicated action on the object that is in focus, in order to reduce the number of keystrokes, the navigation key may be utilized to select both a menu and sub-menu items, wherein indicated action may be performed on the selected item using the navigation key

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Landers with the teachings of Yamadera to arrive at the claimed invention. A motivation for doing so would have been to provide a

navigation routine capable of reducing keystrokes and make the interface easier to use and more intuitive.

Regarding claim 23, Yamadera discloses a menu-driven wireless telecommunications device (Figure 1) comprising:

- a. a display configured to selectively display at least one of a plurality of menus (Figure 1, element 10), including a main menu and a first sub-menu (Figures 7a to 7D), and
- b. a two-dimensional navigation key including four sets of contact points (Figure 1, element 4), wherein the two-dimensional navigation key is configured to select and perform corresponding to one of a plurality of main menu items of the main menu (paragraphs 42, 59 to 63 and 76 to 82), to select and perform an action corresponding to a first sub-menu associated with a selected main menu item (Id.), and further to select and perform an action corresponding to a second sub-menu item of the second sub-menu associated with the selected main menu item (Id.).

Although Yamadera discloses a device as described, Yamadera does not specifically disclose a device wherein the two dimensional key is configured as a single button and wherein the four sets of contact points are used to select and perform an action corresponding to one of a plurality of main menu items.

However, Landers discloses a mobile station that includes a menu display routine which can be executed by a processor to display a set of menus. The set of menus will range from a first menu to a last menu, and at least one menu of the set defines, in turn, a set of menu items. Each set of menu items can similarly range from a first menu item to a last menu item (see col. 2, lines 3-10).

Thus, Landers discloses a set of menu and sub-menu.



Now, in regard to how to access the menu and sub-menu items, the following has been discloses.

The mobile station may also include a “point of focus” routine stored in the data storage. The point of focus routine is executable by the processor to provide a single point of focus in or on one of the menus. The mobile station may also include a navigation routine stored in the data storage, which is executable by the processor. The processor executes the navigation routine in response to user invocation. When the point of focus is on a particular menu other than the last menu, user invocation of the navigation routine causes the processor to move the point of focus to a menu other than that particular menu. When the point of focus is on the last menu, user invocation of the navigation routine causes the processor to move the point of focus to a menu item in the last menu. Col. 2, lines 12-24.

Thus, using a navigation routine, the last menu is selected when the point of focus is on it, which causes the processor to move the point of focus to a menu item in the last menu.

Landers also discloses that the navigation key may be used to allow a user to cycle through different objects, menus, or both, that are displayed on the device. When a GUI object or menu is in focus, the GUI's soft key labels can change accordingly. Pressing a key associated with the contextual soft key label will execute the indicated action on the object that is in focus. Col. 2, lines 53-63.

As can be seen above, after using the navigation key, which allows a user to cycle through different objects, menus, or both that are displayed on the device, a soft key is pressed to execute the indicated action on the object that is in focus.

Therefore, although Landers discloses using a two-dimensional key configured as a single button, a soft key is pressed to execute the indicated action.

However, Landers also discloses that the number of keystrokes required to perform a function when using a GUI can be reduced by changing the functionality of the navigation key depending on where the point of focus is.

A navigation routine stored in memory can be invoked to change the functionality. For example, pressing a down arrow (or another arrow) when the point of focus is on the last menu in a set of menus can move the point of focus to an item in that last menu. In contrast, pressing the same key or arrow when the point of focus is on a menu other than the last menu will simply move the point of focus to another menu (i.e., to another menu at the same hierarchical level). (Explicitly selecting a menu without a navigation routine as described is typically done by pressing a soft key with an appropriate label. For example, a user could scroll to a widget labeled "Buddy List" and then press a soft key labeled "ok"). In contrast to existing user interfaces, the exemplary system allows users to simply continue to scroll down once the Buddy List menu (if it is the last menu) is reached to move the point of focus to successive "buddies" in the Buddy List menu. Col. 2, line 64-col. 3, line 19.

Therefore, Landers discloses that both a menu and sub-menu items can be selected and indicated action may be performed on the selected item using the navigation key. This disclosure clearly reads on the amended portion of the claim.

In fig. 4, Landers illustrates a mobile station that may be used in accordance with these navigation principles. As shown, display 42 of mobile station 40 may include a main menu 44, a status indicator 46, and a buddy list menu 48. The mobile station 40 may also include soft keys

50 and 52, together with associated soft key label areas 50a and 52a on display 42 directly above the soft keys. Pressing a soft key executes a function indicated by the currently displayed soft key label. The mobile station 40 may also include a four-way navigation key 54. The display of mobile station 40 of FIG. 4 depicts the graphical user interface of a digital messaging application program that can be used in accordance with the present system.

If the "Compose to . . ." item in the Buddy List menu 48 is initially in focus as shown, the text of the item will appear light on a dark background to indicate the point of focus, whereas all other selectable text of the display 42 may be dark on a light or intermediate background. Generally, when a drop-down list of menu items is active (that is, when the user has navigated to the top-level menu associated with the list), the background of the drop-down list may appear light to distinguish over the rest of the display background which may be at an intermediate contrast, as shown. The functions of the navigation routines described above apply to mobile station 40 where the Buddy List menu 48 is the last menu, status indicator 46 is an intermediate object at the same hierarchical level as menu 48, and main menu 44 is the first menu. Main menu 44 has an associated list of items that are not shown in the figure, but that can be shown when the menu is selected by executing a navigation routine or pressing a soft key when the point of focus is on the main menu. Col. 5, line 56-col. 6, line 22.

Thus, Landers discloses a mobile device comprising two soft keys and two-dimensional navigation key configured as a single button including four sets of contact points, wherein the four sets of contact points are used to select and perform an action corresponding to one of a plurality of main menu items and to select and perform an action corresponding to a sub-menu item of the sub-menu associated with a selected main menu item.

Although Landers discloses that soft key may be pressed to execute the indicated action on the object that is in focus, in order to reduce the number of keystrokes, the navigation key may be utilized to select both a menu and sub-menu items, wherein indicated action may be performed on the selected item using the navigation key

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Landers with the teachings of Yamadera to arrive at the claimed invention. A motivation for doing so would have been to provide a navigation routine capable of reducing keystrokes and make the interface easier to use and more intuitive.

Regarding claim 2, Yamadera discloses a device (see claim 1 rejection) wherein at least a portion of the plurality of main menu items is displayed (Figure 1), and further wherein both the main menu and the sub-menu can be accessed by maintaining contact with the two-dimensional key. See paragraphs 60 and 62, it would be inherent that a user could navigate through the menus by maintaining contact with the navigation keys.

Regarding claim 3, Yamadera discloses a device (see claim 1 rejection) wherein the device is configured to allow navigation through the plurality of menus by using the two-dimensional navigation key. *Id.*

Regarding claim 4, Yamadera discloses a device (see claim 1 rejection) wherein the device is configured to allow navigation through the plurality of menus while maintaining tactile contact with the two-dimensional navigation key. See claim 2 and 3.

Regarding claim 5, Yamadera discloses a device (see claim 1 rejection) wherein the device is configured to allow toggling among the at least two control levels by a single access of

the two-dimensional navigation key. See paragraphs 60 to 63.

Regarding claim 6, Yamadera discloses a device (see claim 1 rejection) wherein the device is configured to allow toggling between the main menu and one of the plurality of main menu items by using a first direction of the two-dimensional navigation key and to allow toggling between the selected main menu item and the sub-menu associated with the selected main menu item by using a second direction of the two-dimensional navigation key. See e.g. paragraph 64.

Regarding claim 7, Yamadera discloses a device (see claim 1 rejection) wherein the device is configured to allow scrolling among at least two control levels by a single access of the two-dimensional navigation key. See paragraphs 60 to 64.

Regarding claim 8, Yamadera discloses a device (see claim 1 rejection) wherein the device is configured to display the selected main menu item simultaneously with the sub-menu associated with the selected main menu item. See Figure 7B and its corresponding description.

Regarding claim 9, Yamadera discloses a device (see claim 1 rejection) wherein the device is configured to display the selected main menu item simultaneously with a plurality of sub-menu items associated with the selected main menu item. See Figure 7B and its corresponding description.

Regarding claim 10, Yamadera discloses a device (see claim 1 rejection) wherein the plurality of menus are organized in a menu tree. See Figure 2.

Regarding claim 1, Yamadera discloses a device (see claim 1 rejection) wherein the main menu further comprises a main menu item icon representing a main menu item. See Figure 7A and its corresponding description.

Regarding claim 12, Yamadera discloses a device (see claim 11 rejection) wherein the device is configured to display the main menu item icon to provide a visual reference to an item in the menu tree of the menu being displayed. See Figures 7A-D and their corresponding descriptions.

Regarding claim 13, Yamadera discloses a device (see claim 12 rejection) wherein when the device displays at least a portion of the main menu, the main menu item icon is displayed in a first appearance, and when the device displays the sub-menu, the main menu item icon is displayed in a second appearance different from the first appearance. See Figures 7A-7C and their corresponding descriptions.

Regarding claim 14, Yamadera discloses a device (see claim 13 rejection) wherein the first appearance differs from the second appearance by at least one of size, shape, color, highlighting, and pattern. *Id.*

Regarding claim 15, Yamadera also teaches all the elements of dependent claim 15, except wherein when the device displays the sub-menu, the main menu item icon is displayed in a third size different from the first size and the second size. However, see MPEP 2144, changing the size of an element of the claimed invention does not patentably distinguish the claimed invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to change the size of the main menu icon to various sizes, including a different size than either the first or second size.

Regarding claim 17, Yamadera discloses a device (see claim 1 rejection) wherein the device is a phone. See Figure 1 and its corresponding description.

Regarding claim 19, Yamadera discloses a device (see claim 18 rejection) including

wherein when the device displays on the display the sub-menu associated to the selected main menu item, a main menu icon is displayed in the sub-menu to provide a visual reference to the selected main menu item in the menu tree of the menu being displayed. See Figures 7A to 7D and their corresponding descriptions.

Regarding claim 20, Yamadera discloses a device (see claim 18 rejection) including wherein the plurality of menus includes a first sub-menu and a second sub-menu (Figures 7A-D and their corresponding descriptions), wherein the first sub-menu further comprises a plurality of first sub-menu items (Id.) and further wherein one of the plurality of first sub-menu items is associated to a second sub-menu (Id.).

Regarding claim 21, Yamadera discloses a device (see claim 20 rejection) including wherein the second sub-menu further comprises a plurality of second sub-menus items. Figures 7A-D and their corresponding descriptions.

Regarding claim 22, Yamadera discloses a device (see claim 21 rejection) wherein a third orientation of the two-dimensional navigation key is configured to select one of the plurality of second sub-menu items. See paragraphs 77 to 81.

Regarding claim 24, Yamadera discloses a device (see claim 23 rejection) wherein the device is configured to allow scrolling between the main menu and one of the plurality of main menu items by using a first direction of the two-dimensional navigation key (paragraphs 76 to 77), to allow scrolling between the selected main menu item and the first sub-menu associated with the selected main menu item by using a second direction of the two-dimensional navigation key (Id.), and further to allow scrolling between the second sub-menu associated with the

selected main menu item and a second sub-menu item by using a third direction of the two-dimensional navigation key (paragraphs 78 to 79).

Regarding claim 25, Yamadera discloses all the elements of dependent claim 25, except wherein the third direction corresponds with the first direction of the two-dimensional navigation key. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to understand that the directions used to select the first and third directions could be the same because Yamadera teaches that the first direction may be up and the third direction may be pointed in any of four directions, up, down, right, or left. See Yamadera, paragraph 78.

Regarding claim 26, Yamadera discloses a device (see claim 23 rejection), including wherein the device is configured to display a main menu item icon to provide a visual reference to an item in a menu tree of the menu being displayed. See Figures 7A-D.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamadera and Landers, further in view of U.S. Patent No. 6,463,304 to Smethers.

Yamadera also teaches all the elements of dependent claim 16, except wherein the main menu further comprises a non-graphical listing of the plurality of sub-menu items of the sub-menu associated with the selected main menu item.

However, Smethers, in the same field of endeavor teaches the use of non-graphical listings in addition to icons. See e.g. Figure 3B.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use non-graphical listings in the sub-menus, for example because a listing



of "content channels" is more efficient than attempting to describe them using icons, as in Smethers. See column 6, lines 35 to 45.

### *Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PIERRE-LOUIS DESIR whose telephone number is (571)272-7799. The examiner can normally be reached on Monday-Friday 9:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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